

## Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-20 NSC-10 L-03

H-03 DRC-01 /094 W

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R 021700Z NOV 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 1644

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E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - SEABOARD CARGO RATES

REF: ROME 11880 AND PREVIOUS

1. EMBASSY RECEIVED AT COB OCTOBER 31 A MESSAGE (NUMBER 326093/32.1) FROM CIVILAVIA ON SEABOARD RATES CASE STATING: QTE RE: EXCHANGE OF MESSAGES BETWEEN THIS MINISTRY AND SEABOARD WORLD AIRLINES, COPIES OF WHICH WERE TRANSMITTED TO THE EMBASSY, RELATING TO SEABOARD'S REQUEST TO INTRODUCE NEW RATES FOR THE TRANSPORT OF LARGE CARGO SHIPMENTS (30,000/15,000/10,000 KILOGRAMS) BETWEEN ITALY AND THE USA. IN THIS CONNECTION THIS MINISTRY CONFIRMS ITS ORIGINAL COMMUNICATION, NUMBER 322369/32.1 OF SEPTEMBER 19, 1973 AND REJECTS ONCE AGAIN THE LAST NOTICE FROM SEABOARD (REGISTERED UNDER PROTOCOL NUMBER 324427) OF OCTOBER 12, 1973, CONTESTING THE ARGUMENTATION CONTAINED THEREIN WHICH FAILS TO RECOGNIZE VAILD DECISIONS OF THIS MINISTRY AGAINST THE ABOVE REQUESTED RATES. QUITE APART FROM THE EXCEPTIONS RAISED BY SEABOARD ON THE SUBJECT OF FAILURE TO OBSERVE THE TERMS OF THE BILATERAL US-ITALY AIR TRANSPORT AGREEMENT, THIS MINISTRY CONTESTS IN ADDITION THE VALIDITY IN FORM AND SUBSTANCE OF THE SEABOARD REQUEST, WHICH IS DRAWN UP IN ABSOLUTELY VAGUE TERMS AND DOES NOT CONFORM TO THE MOST ELEMENTARY PROCEDURAL PRINCIPLES. THIS MINISTRY IS CERTAIN THAT THE US AUTHORITIES SHARE THE ABOVE OPINION ABOUT THE NONAPPLICABILITY OF SEABOARD'S REQUESTED RATES.

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IN THE CONTRARY CASE, THIS MINISTRY STATES THAT IT CONSIDERS FORMALLY

VALID ITS NOTIFICATION OF SEPTEMBER 19, 1973 TO SEABOARD AND THE  
EMBASSY REGARDING ITS DISSATISFACTION WITH SEABOARD'S REQUESTED RATES,

AND THIS IN THE PROCEDURAL SENSES PROVIDED FOR IN ARTICLE 10 OF  
THE BILATERAL US-ITALY AIR TRANSPORT AGREEMENT. UNQTE.

2. CIVILAVIA MESSAGE AVOIDS DISCUSSION OF DATE OF DELIVERY OF  
SEABOARD'S AUGUST 27 LETTER, WHEREAS IN PREVIOUS DISCUSSIONS WITH  
MINISTRY OF FOREIGN AFFAIRS (MFA) CIVILAVIA CONTENDED SEABOARD  
LETTER NOT RECEIVED UNTIL WELL INTO SEPTEMBER. LATEST MESSAGE  
WRITTEN AFTER MFA ADVISED CIVILAVIA OF AUGUST 29 HAND DELIVERY  
TO DR. PILATI (WHICH PROBABLY UNDERLIES REFERENCE TO "PROCEDURAL  
PRINCIPLES").  
EMBASSY ALSO NOTES RETROACTIVE EXPRESSION OF "DISSATISFACTION" IN  
CIVILAVIA'S SEPTEMBER 19 MESSAGE. MOREOVER, MESSAGE REAFFIRMS  
CIVILAVIA CONTENTION THAT SEABOARD ILLEGALLY APPLYING NEW RATES.

3. SINCE THIS MESSAGE INVOLVES APPLICATION AND INTERPRETATION OF  
BILATERAL AIR TRANSPORT AGREEMENT, EMBASSY BELIEVES REPLY, IF ANY,  
SHOULD BE MADE THROUGH MFA RATHER THAN DIRECTLY TO CIVILAVIA.  
EMBASSY CONSIDERS ISSUES OF FORM AND SUBSTANCE AND PROCEDURAL  
PRINCIPLES AS OBFUSCATION AND RECOMMENDS WE CONCENTRATE ON KEY  
ISSUE OF DATE OF DELIVERY TO CIVILAVIA AND PROVISIONS OF ARTICLE  
10(D) OF BILATERAL.

4. PLEASE ADVISE SOONEST. VOLPE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 NOV 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** ROME 11880 AND PREVIOUS  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17-Sep-2001 by kelleyw0>; APPROVED <21-Nov-2001 by golinofr>  
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**Review Transfer Date:**  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR - SEABOARD CARGO RATES  
**TAGS:** ETRN, IT  
**To:** STATE  
**Type:** TE  
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